



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.bpu.state.nj.us](http://www.bpu.state.nj.us)**

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST  
CABLEVISION OF NEW JERSEY, LLC., FOR A  
CERTIFICATE OF APPROVAL TO CONTINUE TO  
CONSTRUCT, OPERATE AND MAINTAIN A CABLE  
TELEVISION SYSTEM IN AND FOR THE BOROUGH OF  
ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF  
NEW JERSEY

RENEWAL  
CERTIFICATE OF APPROVAL

DOCKET NO. CE01110804

Stryker, Tams & Dill, Newark, New Jersey, by Janice Manganello, Esq. for the Petitioner.

Borough Clerk, Borough of Island Heights, New Jersey, by Ellie Rogalski, for the Borough.

BY THE BOARD:

On December 11, 1975, the Board granted Clear Television Cable ("Clear") a Certificate of Approval in Docket No. 756C-6115 for the construction, operation and maintenance of a cable television system in the Borough of Island Heights ("Borough"). On April 26, 1984, in

Docket No. 8312C-7044, the Board approved the transfer of the Certificate of Approval from Clear to Adelphia Cablevision, Inc. ("Adelphia"). In an internal reorganization approved by the Board on July 31, 1987, Adelphia transferred the Certificate from Adelphia to Clear Cablevision, Inc. d/b/a Adelphia Cable ("Clear d/b/a Adelphia"), in Docket No. CM87020085. On June 18, 1991, the Board granted Clear d/b/a Adelphia a Renewal Certificate of Approval for the Borough, in Docket No. CE90070647. On December 21, 2000, in Docket No. CM00030167, the Board approved the transfer of the Certificate from Clear d/b/a Adelphia to Comcast Cablevision of New Jersey, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on December 11, 2000, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner's predecessor filed an application for the renewal of its municipal consent with the Borough on March 9, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on June 28, 2001. The Petitioner formally accepted the terms and conditions of the ordinance on September 7, 2001, in accordance with N.J.S.A. 48:5A-24.

On November 29, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.1 et seq.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is fifteen years. The Board finds this period to be of reasonable duration.
5. The Borough has reserved the right to review the Petitioner's compliance of the municipal consent ordinance. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.

6. The Petitioner shall provide service to any person's residence or business located in the franchise territory as described in the application. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The local offices currently satisfying this provision are located at: 830 Route 37 West in Toms River, New Jersey and the Whiting Shopping Center on Route 530 in Manchester Township, New Jersey.
10. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as described in the application and the ordinance. The Petitioner shall continue to provide a dedicated educational access channel. The Petitioner shall designate an employee responsible for providing assistance, receiving comments, providing basic equipment training and responding to complaints with respect to the quality of the access transmissions.
12. Within six months of issuance of this Certificate, the Petitioner shall provide to the Borough a one time capital contribution of \$30,000.00, for the purpose of purchasing video production, computer technology or related equipment, software or training for the Borough or the municipal school district or as the mayor or governing body otherwise deems appropriate. Upon completion, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with the provision.
13. The Petitioner shall provide expanded basic cable television service, free of charge, to one outlet to each: police, fire, first aid, public safety, emergency management facility, and public library in the Borough, provided the installation is within 200 feet of active cable distribution plant. Installation of additional outlets shall be paid for on a materials plus labor basis by the municipality. Monthly service charges shall be waived on all additional outlets.

14. The Petitioner shall provide expanded basic cable television service, free of charge, to one outlet to each school in the Borough, provided the installation is within 200' of active cable distribution plant. Should the schools request additional outlets to be installed, such installation shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
15. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each school, public and private, in the Borough, at no charge. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.
16. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future public library in the Borough, at no charge. The Internet service shall be installed on a personal computer that is accessible to the library patrons and not for administrative use only.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards of 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire December 11, 2015.

DATED: October 3, 2002

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

JEANNE M. FOX  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CAROL J. MURPHY  
COMMISSIONER

(signed)

CONNIE O. HUGHES  
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO  
SECRETARY